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LAW OFFICES OF PHIL BLACK  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

IN RE:	§
	§
DRUCILLA PRUITT	§ CHAPTER 13
	§ CASE NO. 10-10288-RLJ-13
	§ HEARING DATE: JULY 29, 2013
DEBTORS'	§ HEARING TIME: 11:00 A.M.

**MODIFICATION OF MODIFIED CHAPTER 13 PLAN AFTER CONFIRMATION**

DATE: June 28, 2013

Pursuant to 11 U.S.C. 1329, the Debtor (through the undersigned attorney) requests the following Modification of Debtor Confirmed Plan herein:

**HISTORY OF THE CASE**

1. Date Filed: August 31, 2010
2. Date of Section 341 Meeting: October 8, 2010
3. First Payment Date: September 30, 2010
4. Date of Confirmation: November 8, 2010
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification approval: 34
7. Remaining plan term (subtract item 6 from the lesser of item 5 or 60 months): 26
8. Amount of Arrears through the month prior to the date the Modification is filed: \$0.00
9. Date plan payments are to resume: July 2013 (This must be the same month that the Modification is set for approval by the Court).
10. Total payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$18,539.00
11. Total payments Due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$18,513.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$561.00 (June payment)
13. List Dates of any prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders: N/A

**MODIFICATION REQUESTED**  
(check 1 or more of the following choices)

Plan payments remain at \$0.00 per month.

INCREASE monthly payment from \$561.00 per month to \$658.00 per month (must coincide with resume date shown in item 9 above)

Extend months from 00 months to 00 months (Not to exceed 60 calendar months from month of first payment date)

Add balloon payment of \$\_\_\_\_\_ in \_\_\_\_\_ month (indicate how the balloon payment will be made)\_\_\_\_\_

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All modifications, which include a balloon payment, will require a testimony.

Any arrears indicated in item 8 above shall be cured by the following method:

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**RESUMPTION OF PAYMENTS TO THE TRUSTEE**  
(all information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$658.00 will resume on or before July 2013 (Item 9 above) for 26 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount remains the same in the amount of \$.

Base amount will change from \$33,660.00 to \$36,209.00

If the base amount has changed complete the following:

Total Paid in as of the month prior to Modification approval:	\$19,101.00
(+) Plus total payments to be made through the remainder	
of the plan (making up any arrears in item 9 above):	\$17,108.00
(=) New Base Amount	\$36,209.00

### **TREATMENT OF UNSECURED CREDITORS**

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2007-2. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

The unsecured creditor pool remains \$ 0.00

The unsecured creditor pool changes from \$ \_\_\_\_\_ to \$ \_\_\_\_\_

### **SECURED, PRIORITY OR SPECIAL CLASS TREATMENT**

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

CODE; A=ADD; D=DELETE; S=SURRENDER; CF=CHANGE FROM; CT=CHANGE TO

CODE:	IRS
NAME:	ADD
CLASS:	PRIORITY
AMOUNT:	\$2,185.52
COLLATERAL:	2012 1040 IRS taxes owed
VALUE:	\$2,185.52
TREATMENT:	\$87.42 per month

OR

Check here if no changes are to be made to creditors

Note: Changes to any creditors above shall not be effective until the Modification is approved.

### **ATTORNEY'S FEES**

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00, of which \$350.00 will be paid through the Plan by the Trustee.

or

Check here if no additional attorney fee has been added for this Modification of Plan after Confirmation.

**REASON FOR MODIFICATION**

This Modification is requested for the following reason(s): Debtor owes the IRS and needs to pay this debt through her plan.

**BUDGET INFORMATION**

The debtors amended schedules I and J will be filed to reflect the payment increase to the trustee.

Dated: June 28, 2013

Respectfully submitted.

/s/ Phil Black

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PHIL BLACK, SBN 02371500

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above and foregoing Modification of Plan After Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on June 28, 2013, on the following parties listed and on the attached matrix by United States First Class Mail, proper postage affixed.

/s/ Phil Black

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DEBTOR ATTORNEY

**U.S. TRUSTEE**

WILLIAM NEARY  
1100 COMMERCE, RM 9C60  
DALLAS, TX 75242

**CHAPTER 13 TRUSTEE**

WALTER O'CHESKEY  
6308 IOLA  
LUBBOCK, TX 79424

**DEBTOR**

DRUCILLA PRUITT  
1437 RICHLAND  
ABILENE, TX 79603

**CREDITOR**

IRS SPECIAL PROCEDURES  
1100 COMMERCE ST.  
MC 5026DAL  
DALLAS, TX 75242

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IN THE UNITED STATES BANKRUPTCY COURT  
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IN RE:	§	
	§	CHAPTER 13
DRUCILLA PRUITT	§	CASE NO. 10-10288-RLJ-13
	§	JUDGE: ROBERT L. JONES
DEBTORS'	§	HEARING DATE: JULY 29, 2013
	§	HEARING TIME: 11:00 A.M.

**NOTICE OF HEARING,PRE-HEARING CONFERENCE  
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION**

On JULY 29, 2013, which is at least twenty-eight (28) days from the date of service hereof, at 11:00 o'clock A.M., a HEARING on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge at the U. S. Bankruptcy Court, 341 Pine Street, Abilene, Texas. Creditors are not required to attend unless they have objections to the Modification.

**NOTICE OF PRE-HEARING CONFERENCE**

The Trustee will hold a PRE-HEARING CONFERENCE at 8:30 o'clock A.M. prior to the above hearing time at the following location: 341 Pine Street, Abilene, Texas. Hearings on Motions to Modify Plans with objections not resolved at the PRE-HEARING CONFERENCE will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 U.S.C. 1329, the attached "Modification of Plan" dated June 28, 2013, will be approved by the Court as the Debtor Modified Chapter 13 Plan unless a party in interest files a written "Objection to the Modification" within twenty-one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. an "Objection to Modification" shall be made in writing to the following: United States Bankruptcy Court, Clerk's Office, 102 Federal Bldg., 1205 Texas Avenue, Room #102, Lubbock, Texas 79401-4002, with copies sent to Walter O'Cheskey, Chapter 13 Trustee, 6308 Iola, Lubbock, Texas 79424 and Debtor(s) Attorney at the above address.